UNITED STATES PATENT AND TRADEMARK OFFICE

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ART UNIT	PAPER NUMBER
2191	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>05 March 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-7,10-18,21 and 22* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1, 3-7, 10-18, 21-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1.   This action is in response to the amendment filed on 03/05/2007.

Claims 1, 3-7, 10-18, 21-22 are pending.

Response to Arguments

2.   Applicants' argument in the remarks filed on 03/05/06 has been considered, but not persuasive.

Particularly, Applicants argued that Nico Mak computing, Inc., does not teach or suggest

(C) a first version of an application program resident on said long term storage device of said processing unit of said first computer system;
(D) a second version of said application program resident on said long term storage device of said processing unit of said second computer system; and
(E) means for migrating files and settings associated with said application program from said first computer to said second computer, wherein said means for migrating further comprises:
(1) an application interface file identifying how to convert said settings from said first version to said second version of said application program;
(2)...
(3)...said console configured to scan said first computer for said files and settings to be migrated to said second computer; and
(4)...said self-extracting auto-migration package configured to update said second version of said application program with said files and settings of said first version.

Examiner respectfully responds:

All the features in that Applicants argued present no patentable features, but they are available into any

computer before the filing of this application.

- first version of an application program/ a second version of said application program: If turn on any

computer, particularly a computer with Microsoft windows operating system, the file system in the

windows will be available for storing any version, i.e. a first version, second version, third version, and so

on. There is no novelty in this argument because a file system is used by publics to store applications,

files, etc.

- <u>migrating files and settings associated with said application program</u>: a standard computer is built for

connected with a network like Internet, where a user can <u>send/download</u> a software package like WinZip,

which stores various software files in it. There is no novelty in this argument because network already

provides **publics** to send or download applications, files, etc.

- said console configured to <u>scan said first computer for said files and settings to be migrated</u>: It should be

noted that by the definition seen in Fredrik Lundh about console, the Winzip itself is a console or share

the console with the Windows in which it resides. A user at a first computer can use WinZip console will

communicate with an interface to scan files and settings into the WinZip file (package), where a Winzip

file can be sent via any network. There is no novelty in this argument because the act of scanning is clear

done by WinZIP, when the zipped files are allocated according to "zipped" or "extracted".

- <u>update said second version of said application program with said files and settings of said first version</u>.

A user of the second computer who receive the package of WinZip can perform self-extracting, where this

is the task/function of WinZip; it is for is self-extracting. For example, see WinZip6.3, a drag and drop will

prompt the zipped file to a directory of a second version in "Program Files" in the Windows file system

('Something or Other zip'), i.e. it is either newly created (extracted without asking updating) or an old

location (extracted with asking updating when encountering same file remained in the directory, "Add (and

Replace) Files"). It should be known the specification does nothing different then the WinZIP.

Furthermore, these separated acts clearly can be automatically done by a program or manually

performed by users using the WinZip application, and the availability of Network.

The claims, the amendment, and Applicants' arguments fail to point out any patentable features,

but discussed only an old feature of the arts, i.e. it is already done, used, and known by publics.

- The arguments to the rejection of the claims under Network Associates fail to persuasive,

because the claims fail to provide any novelty, but claiming old features in the arts.

As already addressed in the prior office action:

WINZIP resides in a Microsoft Windows, the WINZIP itself is a console or share the Windows'

console. It allows a user to build a package, that is a .ZIP file. Create or open a WINZIP file, a user can

pack files in the WinZip file: "Create self-extracting ZIP files With WinZip 6.3". It should be known the

WINZIP is communicating with the Windows' registry (see ZinWip7.0). Furthermore, the claims also read

by Microsoft Windows' console. MSDOS commands used in Windows operating system are known as

Windows Console commands. The Microsoft Windows that has the WINZIP clearly performs all of the

functions read from the claims.

Applicants are respectfully directed to the definition of console as mentioned in the previous office action.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for

the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a
> printed publication in this or a foreign country, before the invention thereof by the applicant for a
> patent.
> (b) the invention was patented or described in a printed publication in this or a foreign country or
> in public use or on sale in this country, more than one year prior to the date of application for
> patent in the United States.

4.   Claims 1, 3-7, 10-17, 21-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Nico

Mak's computing, inc, as in Anonymous. "Create self-extracting ZIP files with WinZip 6.3" and "WinZip

Version 7.0" (Hereinafter: WinZip for a general case and WinZip6.5 for version 6.3, and WinZip7.0 for

version 7.0).

> 2131.01   Multiple Reference 35 U.S.C. 102 Rejections
> Normally, only one reference should be used in making a rejection under 35 U.S.C. 102.
> However, a 35 U.S.C. 102 rejection over multiple references has been held to be proper
> when the extra references are cited to:
> (A)   Prove the primary reference contains an "enabled disclosure; "
> (B)   Explain the meaning of a term used in the primary reference; or
> (C)   Show that a characteristic not disclosed in the reference is inherent

Given the broadest reasonable interpretation of followed claims in light of the specification.

As per Claim 1: The WinZip application is used for generated a .ZIP file (Note: Version 6.3 of the Inside

the Internet is obvious before Version 7.0, and before the effective filing date of this application).

Nico Mak discloses a system for extracting application information, included with an application WinZip

registered in a Microsoft Window. The WinZip associates with Microsoft Windows' console to provide a

user this application to create a compresses package ".ZIP file". Within a created .ZIP file, it packs the

files in which a user manages his files on his own computer or sends to the other users who want to

share the files. The .ZIP is compressed; therefore it migrates easily to other computers in the Internet.

Nico Mak, thus discloses, *"A system for describing and extracting application information, comprising:*

(A) a first computer system, said first computer system further comprising:(1) an input device; (2)

a display device; and (3) a processing unit, said processing unit further comprising:(a) a processor;(b)

memory; and(c) a long-term storage device; (computer per se)

(B) a second computer system, said second computer system further comprising:(1) an input

device; (2) a display device; and (3) a processing unit, said processing unit further comprising:(a) a

processor;(b) memory; and(c) a long-term storage device; (computer per se)

(C) a first version of an application program resident on said long term storage device of said

processing unit of said first computer system (i.e. Software/files in a computer, prepared to pack in a

WinZip file. Note: every computer provides storage for storing at least one version of an application);

(D) a second version of said application program resident on said long term storage device of

said processing unit of said second computer system (i.e. a directory in "program files" in the file system

of a Windows, where the packed files are prepared for extracting (for example, see in WINZIP6.3 a

connecting and communication via Internet: see http://www.winzip.com, p.1) and

(E) means for migrating files and settings associated with said application program from said first

computer to said second computer, wherein said means for migrating further comprises (Internet/Web):

(1) an application interface file identifying how to convert said settings from said first version to

said second version of said application program (See an .ini file in WinZIP 7.0 associated with Windows

NT, used to create a .ZIP file. Note this reference uses a Microsoft Windows, and set the interface under

a registry key);

(2) a communication channel between said first computer system and said second computer

system (Refer to Internet connected between two computers);

(3) a console in communication with said application interface file (See WinZip7.0; the registry

setting allows the WinZip directly communicates to any file in the Windows and the WINZIP) , *said*

console configured to scan said first computer for said files and settings to be migrated to said second

computer (See WINZIP6.3 (p.12), when a user configures to create recipients for a zipped file. See

WINZIP7.0, p. 1 "using the configuration | view dialog box", and all commands that has means for

creating a .Zip, such as File, Add, Drop; etc. See "copy all the <u>ini entries to the registry</u>" i.e. it is of the

WINZIP associated with Windows' registry. Furthermore, the Windows with its basics windows'

commands and Windows registry, in which the WinZip is registered, is also a configuring console); *and*

(4) a self-extracting auto-migration package built by said console said self-extracting auto-

migration package further comprising files and self-extracting auto-migration package further comprising

said files and settings for migration to said second computer (that is any .ZIP file created by WinZip 7.0),

said self-extracting auto-migration package configured to update said second version of said application

program with said files and settings of said first version (See WinZip6.3: i.e. a user of the second

computer who receive the package of WinZip has an second version stored in a directory 'Something or

Other zip', and can perform self-extracting to store the zipped filed into this directory. For example, in the

a drag and drop shown by WinZip6.3, it prompts the zipped file to the second version, the directory

'Something or Other zip' in "Program Files" in the Windows file system. The directory 'Something or Other

zip' is either newly created (extracted without asking updating) or an old location (extracted with asking

updating when encountering same file remained in the directory, "Add (and Replace) Files").

As per Claim 4: Nico Mak discloses the WinZip with Drag and Drop, "File Properties" for creating

self-extractor packages.

As per Claim 5: Nico Mak discloses the WinZip which is adaptable to a standard Window like

Window 95, editable by a "File Properties".

As per Claim 6: With regard to limitation of Claim 6, see all commands shown in page 2.

As per Claim 7: With regard to limitation of Claim 7, Self-Extracting Zip file is an executable file.

As per Claim 10: With regard to limitation of Claim 10, see page 2, "move", "Add", "Drop", "File

Properties", allowing a user to edit a file.

As per Claim 11: With regard to limitation of Claim 11, see page 13, Wizip.com provides password to it customer.

As per Claim 12: With regard to limitation of Claim 12, ZIP file is a compressed package.

As per Claim 13: With regard to limitation of Claim 13, Buttons EXTRACT in the ZIP file.

As per Claim 14: With regard to limitation of Claim 14, associated with Windows commands.

As per Claim 15: With regard to limitation of Claim 15, the text area in any WinZip file. It should be noted that it is adaptable from Microsoft Windows feature.

As per Claim 16: With regard to limitation of Claim 16, commands such as "Add", "Drop", "Clipboard Copy", allow a file to be copied and migrated in the Self-Extractor or deleted when they are duplicated. Furthermore, this reference is associated with Microsoft Windows that is included with Windows console commands, i.e., when drop a file in to a directory or a text area or a .ZIP file, if the drop file is in there, Windows console command always comes up with a warning question. ·

As per Claim 17: With regard to limitation of Claim 17, refer self-extracting in the reference.

As per Claim 3: Nico Mak inc., discloses

A method for extracting and migrating application information, comprising:

(A) loading a Personality Package corresponding to a user (Created a Winzip file that is used to sent to a user),

said Personality Package comprising user settings, user preferences, application programs and data files for migration from a source computer to a destination computer (all the content used to packed in the WinZip file; i.e a created zipped file having, "Something or Other zip"), said Personality Package corresponding to specified application versions (i.e. a package of an application used to stored in a directory such as seen in the WinZip6.3, ..Program File\WinZip\... (Note: the showing is only example, for illustration of how files can be zipped, extracted, and updated in a computer directory));

(B) executing said Personality Package; (C) getting a file; (D) copying said file, and determining whether migration of additional files is required and if additional files are required returning to said getting a file step (A manual act, use basic operating commands in Windows to perform. E.g. any click on a zipped file, for example, see WinZip7.0, features such as sortable, selectable in p. 1, or copy all ini entries);

(E) getting a registry; (F) copying said registry (See WinZip7.0, features such as copy all ini entries); (G) getting application version specifics, and testing to determine if destination application versions in said destination computer match said application versions specified in said Personality Package, and generating an error if said destination application versions do not match (see WINZIP 6.3, acts of drag and drop that allocates a path (or link), to a location that stored a version. With the held of Windows operating system, it shows the directory location or provides the user to select based on determination); and (H) updating links (See WinZip6.3: ..Program file\WinZip\..., and see WINZIP7.0, updating the registry key ('shell link')).

As per claim 21: *The method of claim 3, further comprising: determining whether said file is a shell link; and if said file is a shell link, adding said file to a shell link list* (see WINZIP7.0 or WINZIP are embedded in Windows, where shell links is part of the Windows operating system – For example, make a shortcut of a WinZip file in a desktop has means of creating a shell link list, where shell link provides a user interfaces WINZIP from everywhere; particularly from the desktop of the Windows).

As per claim 22: *The method of claim 21, further comprising updating shell links in said destination computer using said shell link list* (see WINZIP7.0 or WINZIP are embedded in Windows, where shell links is part of the Windows operating system).

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A person shall be entitled to a patent unless –

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6.   Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nico Mak, WinZip

Version 7.0.

Given the broadest reasonable interpretation of followed claims in light of the specification.

As per Claim 18: Nico Mak does not express show Self-extracting auto-migration package further

comprises "*user-defined profiles*"

Official notice is taken that User-defined profiles recited in the claim is only data limitation that is

included but does nothing in the claim.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of

invention was made to include information file, data file, as part of compressed files in a package.

Conclusion

7.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office

action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of

the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from

the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date

of this final action and the advisory action is not mailed until after the end of the THREE-MONTH

shortened statutory period, then the shortened statutory period will expire on the date the advisory action

is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX

MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should

be directed to Ted T. Vo whose telephone number is (571) 272-3706. The examiner can normally be
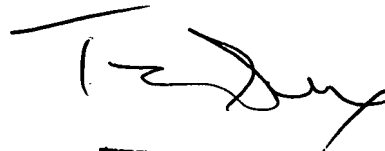
reached on 8:00AM to 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Y. Zhen

can be reached on (571) 272-3708.

The facsimile number for the organization where this application or proceeding is assigned is the Central Facsimile number **571-273-8300**.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TTV
May 25, 2007

TED VO
PRIMARY EXAMINER